

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Butler	Team: Squad #5	CCRB Case #: 201608252	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 05/28/2016 3:25 PM	Location of Incident: 422 Fulton Street	Precinct: 78	18 Mo. SOL 11/28/2017	EO SOL 11/28/2017	
Date/Time CV Reported Tue, 09/27/2016 2:16 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 09/27/2016 2:16 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Lisante	02021	954070	PBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. Officers			
2. POM Marcin Burdzy	18271	958347	078 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Lisante	Force: Police Officer Michael Lisante used physical force against § 87(2)(b)	
B.POM Michael Lisante	Force: Police Officer Michael Lisante used physical force against § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint in-person with the CCRB on September 27, 2016.

On May 28, 2016, at approximately 3:25 p.m., § 87(2)(b) participated in a protest of the shooting of Akai Gurley along with many other civilians at 422 Fulton Street in Brooklyn. During the protest, an unidentified police officer arrested an unidentified protester, and § 87(2)(b) ran toward that unidentified police officer and pushed him to prevent the officer from effecting the arrest. At that time, PO Michael Lisante of Patrol Borough Brooklyn North pushed § 87(2)(b) to the ground (**Allegation A**). § 87(2)(b) crawled away from PO Lisante, causing her to sustain scratches on her legs and knees from making contact with the street. In the process of placing § 87(2)(b) under arrest for obstructing governmental administration, an unidentified protester pulled § 87(2)(b)'s left arm, and PO Lisante pulled § 87(2)(b)'s right arm to separate her from the protester in question (**Allegation B**). PO Lisante then successfully placed § 87(2)(b) in handcuffs with the assistance of several additional uniformed officers, including PO Marcin Burdzy of the 78th Precinct. § 87(2)(b) was arrested for § 87(2)(b).

An unidentified protestor recorded video footage of the incident and uploaded the video to § 87(2)(b). The video footage shows the entirety of § 87(2)(b)'s arrest and is embedded below (BR 02). The original video is located in IA 29.



201608252_20161128_1330_DM.mp4

Mediation, Civil and Criminal Histories

This case was unsuitable for mediation due to § 87(2)(b)'s arrest. § 87(2)(b) did not file a notice of claim in regards to this case. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

This is § 87(2)(b)'s first CCRB complaint (BR 03).

This is PO Lisante's first CCRB complaint in his three year tenure as an NYPD officer.

Potential Issues

PO Lisante was not interviewed § 87(2)(g)

Findings and Recommendations

Allegation A – Force: Police Officer Michael Lisante used physical force against § 87(2)(b)

Allegation B – Force: Police Officer Michael Lisante used physical force against § 87(2)(b)

According to § 87(2)(b) she ran toward and pushed an unidentified officer with the intent to prevent that officer from effecting the arrest of an unidentified protester, and PO Lisante immediately pushed her to the ground thereafter (BR 01). At that time, another protester grabbed her left arm and pulled her away from PO Lisante. PO Lisante then pulled § 87(2)(b)'s right arm in order to free her from the protester in question. § 87(2)(b)

acknowledged that she resisted PO Lisante's efforts to arrest her by crawling away from him and pulling her arms away from him.

The video footage of the incident showed that § 87(2)(b)'s version of events was accurate (BR 02). It showed PO Lisante push § 87(2)(b) to the ground and pull her away from other protesters in the manner alleged.

Force may be used when it is reasonable to ensure the safety of a member of the service or when it is reasonable to place a person in custody or to prevent escape from custody (BR 04). Patrol Guide Procedure 221-01.

§ 87(2)(g)
[Redacted text block containing approximately 12 lines of blacked-out content]

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date